

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FIREMEN'S RETIREMENT SYSTEM OF
ST. LOUIS, Derivatively on Behalf of
UNITEDHEALTH GROUP
INCORPORATED,

Plaintiff,

C.A. No. 1:18-cv-00728-LPS

v.

STEPHEN J. HELMSLEY, DAVID S.
WICHMANN, RICHARD T. BURKE,
WILLIAM C. BALLARD, JR., MICHELE
J. HOOPER, RODGER A. LAWSON,
GLENN M. RENWICK, KENNETH I.
SHINE, GAIL R. WILENSKY, WILLIAM
W. MCGUIRE, GEORGE L. MIKAN III,
PATRICK J. ERLANDSON, ROBERT J.
DARRETTA, JAMES A. JOHNSON,
THOMAS H. KEAN, MARY O.
MUNDINGER, ROBERT L. RYAN,
DONNA E. SHALALA, and WILLIAM G.
SPEARS,

Defendants,

-and-

UNITEDHEALTH GROUP
INCORPORATED, a Delaware corporation,

Nominal Defendant.

PLAINTIFF'S STATUS REPORT

Pursuant to the Court's July 9, 2018 Order (D.I. 40), plaintiff Firemen's Retirement System of St. Louis ("Plaintiff") hereby submits this status report to apprise the Court on the progress of the related litigation in Delaware state court.

As noted in Plaintiff's last status report (D.I. 41), Amalgamated Bank, Coral Springs Police Officers' Retirement Plan, and Central Laborers Pension Fund's (collectively, the "Intervenors") motions to intervene in and stay this action pending resolution of their 220 Action¹ (D.I. 29, 32) were granted by the Court on July 9, 2018. (D.I. 40.) The Court's order also directed Plaintiff to provide updates on the progress of the 220 Action every sixty days. (*Id.*)

In the 220 Action, UnitedHealth filed an appeal from the Chancery Court's order allowing Intervenors to inspect certain of UnitedHealth's books and records.² (See D.I. 31-5.) Briefing on the appeal was completed on July 3, 2018, and oral argument was held on October 24, 2018. On October 26, 2018, the Delaware Supreme Court entered an order affirming the Chancery Court's order. *UnitedHealth Grp. Inc. v. Amalgamated Bank as Tr. for Longview Largecap 500 Index Fund*, No. 162,2018, 2018 WL 5309957 (Del. Oct. 26, 2018). Intervenors are in the process of reviewing the books and records produced by UnitedHealth and the parties in this action will confer regarding next steps once that review is complete.

¹ "220 Action" refers to *In re UnitedHealth Group, Inc. Section 220 Litigation*, Consol. C.A. No. 2017-0681-TMR (Del. Ch.), Intervenors' action pending in the Court of Chancery of the State of Delaware ("Chancery Court") seeking to enforce their right to inspect books and records of UnitedHealth Group, Inc. ("UnitedHealth") pursuant to 8 Del. C. § 220 ("Section 220") related to the wrongdoing alleged in this action.

² *UnitedHealth Group, Inc. v. Amalgamated Bank, et al.*, No. 162, 2018 (Del.).

Dated: November 5, 2018

Respectfully submitted,

COOCH AND TAYLOR, P.A.

/s/ Blake A. Bennett

Blake A. Bennett (#5133)
The Brandywine Building
1000 West Street, 10th Floor
Post Office Box 1680
Wilmington, DE 19899
Telephone: (302) 984-3800
Facsimile: (302) 984-3939
bbennett@coochtaylor.com

*Attorneys for Plaintiff Firemen's Retirement
System of St. Louis*

OF COUNSEL:

ROBBINS ARROYO LLP

Brian J. Robbins
George C. Aguilar
Eric M. Carrino
600 B Street, Suite 1900
San Diego, CA 92101
Telephone: (619) 525-3900
Facsimile: (619) 525-3991
brobbins@robbinsarroyo.com
gaguilar@robbinsarroyo.com
ecarrino@robbinsarroyo.com